

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Michael W. Johnson
Application No.:	09/880615
Filed:	June 13, 2001
For:	Stent Drug Delivery System
Examiner:	Jermie E. Cozart
Group Art Unit:	3726

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Docket No.: S63.2N-6531-US03

REPLY BRIEF ON APPEAL

This is a Reply Brief on Appeal is submitted in response to the Examiner's Answer for the above-identified application. This reply brief is submitted in accordance with 37 C.F.R. § 41.41.

Remarks

Applicant first wishes to clarify some remarks that were made in the Supplemental Appeal Brief filed October 24, 2005. In the Brief, Applicant stated:

In multiple responses to both these assertions, Applicant has pointed out that this is not consistent with column 4 lines 58-64 of Yan which teaches uniform porosity and the undesirability of areas of different porosity. As the explicit language of the Yan reference teaches the undesirability of areas of different porosity, it does not make sense that Yan would teach longitudinally spaced regions of different predetermined physical porosities. In fact, Yan teaches away from such a teaching; one would never predetermine to produce the very thing that is undesirable (i.e. non-uniform porosity)

Applicant wishes to clarify that the above discussion relates to the teaching in Yan (US 5843172) concerning the desirability of consistent pore size *along the length* of the stent.

Reply
Brief
NOTED
TC
1/17/07